UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/657,374
Filing Date: September 08, 2003
Appellant(s): BARAJAS ET AL.

_____
Stephen A. Terrile
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 06/05/2008 appealing from the Office

action mailed 12/27/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,823,508	Burkhardt et al.	11-2004
2003/0233646	Cohen et al.	12-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 5-13, 15-23, and 25-30 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Burkhardt (US Pat. 6,823, 508) in view of Cohen et al. (hereafter

Cohen)(US Pub. 2003/0233646).

Burkhardt and Cohen were cited in the previous office action dated 08/10/2007.

As to claims 1, 11, and 21 Burkhardt discloses a method for automatically installing a software image onto an information handling system (abstract and column 2, line 67-column 3, line 8), the method comprising:

Reading an order for an information handling system (column 7, lines 31-34 and 222 of figure 6);

Reading an image manifest (column 3, lines 41-47; column 7, lines 35-37; and 224 of figure 6);

Installing an image onto the information handling system as installed software (column 3, lines 63-66; 226 and 228 of figure 6); and

Automatically configuring the installed software (column 8, lines 48-49 and 230 of figure 6).

Burkhardt does not disclose determining whether any subtract components are present in the image; and if any subtract components are present, then removing the subtract components from the installed software while automatically configuring the installed software.

However, in an analogous art Cohen discloses determining whether any subtract components are present in the image; and if any subtract components are present, then removing the subtract components from the installed software while automatically configuring the installed software ([0005] and [0054], disclose software for image based installation and applying an image to a target computer. Image configuration occurs, and during configuration *adding or removal of components occurs*, thus showing that in

image based software installation the addition or subtraction of components may be

executed.).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to modify the teachings of Burkhardt, by removing components for

image configuration, as taught by Cohen, for the benefit of minimizing installation and

execution time, and therefore efficiently maintaining only needed components of the

installation.

As to claims 2, 12, and 22 Burkhardt further discloses executing order specific

customizations (column 1, line 66-column 2, line 4).

As to claims 3, 13, and 23 Burkhardt further discloses determining whether all

base components of the order are present in the image (Column 8, lines 14-25 disclose

determining if additional components are necessary, thus making sure all base

components are there.).

As to claims 5, 15, and 25, Burkhardt further discloses determining whether any

add components are present in the image; and, if any add components are present,

then installing the add components from the specified image (column 8, lines 14-21).

As to claims 6, 16, and 26 Burkhardt further discloses the automatically configuring is performed at a manufacturing site (column 2, lines 13-15).

As to claims 7, 17, and 27, Burkhardt further discloses the automatically configuring is performed at a customer site (column 2, lines 15-16)

As to claims 8, 18, and 28, Burkhardt further discloses the automatically configuring enables the installing to be performed in a networkless factory environment (column 6, line 59-column 7, line 7 and process of figure 4).

As to claims 9, 19, and 29 Burkhardt further discloses the automatically configuring enables loading of an image directly from a non-volatile media (column 9, lines 15-26).

As to claims 10, 20, and 30, Burkhardt further discloses the automatically configuring enables a customized to order process to be performed in a remote manufacturing facility (column 2, lines 13-15 and column 7, lines 23-33).

(10) Response to Argument

Appellant provides the following arguments as applied to independent claims 1, 11, and 21:

Burkhardt and Cohen taken alone or in combination fail to teach "*determining whether any subtract components are present in the image, and if any subtract components are present, then removing the subtract components from the installed software while automatically configuring the installed software.*"

Examiner respectfully disagrees with appellant's argument and finds the argument unpersuasive. The combination of Burkhardt and Cohen do in fact teach "*determining whether any subtract components are present in the image, and if any subtract components are present, then removing the subtract components from the installed software while automatically configuring the installed software.*" As the limitation reads it is given its broadest reasonable interpretation. That is, while automatically configuring the installed software, removing any subtract components, if present, from the installed software.

The combination of Burkhardt and Cohen disclose this limitation as cited in [0054] of Cohen. The paragraph teaches performing image configuration as an image has been obtained by the target computer. "*...such configuration or integration may include, but is not limited to, configuring/registering software objects in the image, **adding or removing components**, configuring system settings (e.g., registry settings) moving and decompressing files....*" The "adding or removing components" are components needed to be added to the image or removed from the image; thus being equated to the subtract components of the instant claims 1, 11, and 21.

Appellant continues, on page 6, line 6 of the appeal brief, to further describe the subtract components and procedure for removal as taught in the specification. However, these limitations are not further disclosed in the instant claims, thus not further limiting the claims or providing reasons as to overcoming the cited prior art.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/M. Y./

Michael D. Yaary

06/12/2008

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